

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Wu, Moody, King of Parker, White

H.B. No. 492

A BILL TO BE ENTITLED

AN ACT

relating to the issuance of a warrant authorizing the use of a no-knock entry by a peace officer.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 15, Code of Criminal Procedure, is amended by adding Article 15.251 to read as follows:

Art. 15.251. NO-KNOCK WARRANT. (a) In this article, "no-knock entry" means a peace officer's entry, for the purpose of executing a warrant, into a building or other place without giving notice of the officer's authority or purpose before entering.

(b) Except as provided by Subsection (c), a magistrate may not issue a warrant under this chapter that authorizes a no-knock entry.

(c) A district court judge or statutory county court judge may issue a warrant under this chapter that authorizes a no-knock entry only if:

(1) the complaint is submitted concurrently with a statement, signed by the chief administrator of the law enforcement agency employing the affiant or by the chief administrator's designee, that a no-knock entry is necessary to avoid the risk of death or serious bodily injury to peace officers and to others; and

(2) the warrant requires:

(A) each peace officer executing the warrant to be in uniform or otherwise clearly identifiable as a peace officer;

1 and

2 (B) to the extent that the law enforcement agency  
3 has the technology available, that the agency make a good faith  
4 effort to have each peace officer executing the warrant be equipped  
5 with a body worn camera.

6 (d) A person designated by a chief administrator under  
7 Subsection (c)(1) must be a peace officer who reports directly to  
8 the chief administrator.

9 SECTION 2. Chapter 18, Code of Criminal Procedure, is  
10 amended by adding Article 18.025 to read as follows:

11 Art. 18.025. NO-KNOCK WARRANT. (a) In this  
12 article, "no-knock entry" has the meaning assigned by Article  
13 15.251.

14 (b) Except as provided by Subsection (c), a magistrate may  
15 not issue a warrant under this chapter that authorizes a no-knock  
16 entry.

17 (c) A district court judge or statutory county court judge  
18 may issue a warrant under this chapter that authorizes a no-knock  
19 entry only if:

20 (1) the affidavit under Article 18.01(b) is submitted  
21 concurrently with a statement, signed by the chief administrator of  
22 the law enforcement agency employing the affiant or by the chief  
23 administrator's designee, that a no-knock entry is necessary to  
24 avoid the risk of death or serious bodily injury to peace officers  
25 and to others; and

26 (2) the warrant requires:

27 (A) each peace officer executing the warrant to

1 be in uniform or otherwise clearly identifiable as a peace officer;  
2 and

3 (B) to the extent that the law enforcement agency  
4 has the technology available, that the agency make a good faith  
5 effort to have each peace officer executing the warrant be equipped  
6 with a body worn camera.

7 (d) A person designated by a chief administrator under  
8 Subsection (c)(1) must be a peace officer who reports directly to  
9 the chief administrator.

10 SECTION 3. The change in law made by this Act applies only  
11 to a warrant issued on or after the effective date of this Act. A  
12 warrant issued before the effective date of this Act is governed by  
13 the law in effect on the date the warrant was issued, and the former  
14 law is continued in effect for that purpose.

15 SECTION 4. This Act takes effect September 1, 2021.

By:

Royce West

Substitute the following for \_\_\_\_ .B. No.

**ADOPTED**

H .B. No. 492

By:

J-J. Himji-

MAY 25 2011

.B. No. 492

*Lately Shaw*  
Secretary of the Senate

A BILL TO BE ENTITLED

AN ACT

relating to the issuance of a warrant authorizing the use of a no-knock entry by a peace officer.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 15, Code of Criminal Procedure, is amended by adding Article 15.251 to read as follows:

Art. 15.251. NO-KNOCK WARRANT. (a) In this article, "no-knock entry" means a peace officer's entry, for the purpose of executing a warrant, into a building or other place without giving notice of the officer's authority or purpose before entering.

(b) Notwithstanding any other law, only the following magistrates may issue a warrant under this chapter that authorizes a no-knock entry:

(1) a district court judge;

(2) a statutory county court judge;

(3) a judge of a county court who is an attorney licensed by this state;

(4) a judge of a municipal court of record who is an attorney licensed by this state; or

(5) any magistrate if the county in which the warrant is issued does not have:

(A) a municipal court of record with a courtroom located in that county and a judge who is an attorney licensed by this state;

1                   (B) a county court judge who is an attorney  
2 licensed by this state; or

3                   (C) a statutory county court judge.

4           (c) A magistrate may issue a warrant under this chapter that  
5 authorizes a no-knock entry only if the complaint is submitted  
6 concurrently with a statement that approves the use of a no-knock  
7 entry and that is signed by the chief administrator of the law  
8 enforcement agency employing the affiant or by the chief  
9 administrator's designee.

10           SECTION 2. Chapter 18, Code of Criminal Procedure, is  
11 amended by adding Article 18.025 to read as follows:

12           Art. 18.025. NO-KNOCK WARRANT. (a) In this article, "no-  
13 knock entry" has the meaning assigned by Article 15.251.

14           (b) Notwithstanding any other law, only the following  
15 magistrates may issue a warrant under this chapter that authorizes  
16 a no-knock entry:

17                   (1) a district court judge;

18                   (2) a statutory county court judge;

19                   (3) a judge of a county court who is an attorney  
20 licensed by this state;

21                   (4) a judge of a municipal court of record who is an  
22 attorney licensed by this state; or

23                   (5) any magistrate if the county in which the warrant  
24 is issued does not have:

25                   (A) a municipal court of record with a courtroom  
26 located in that county and a judge who is an attorney licensed by  
27 this state;

1                   (B) a county court judge who is an attorney  
2 licensed by this state; or

3                   (C) a statutory county court judge.

4           (c) A magistrate may issue a warrant under this chapter that  
5 authorizes a no-knock entry only if the affidavit under Article  
6 18.01(b) is submitted concurrently with a statement that approves  
7 the use of a no-knock entry and that is signed by the chief  
8 administrator of the law enforcement agency employing the affiant  
9 or by the chief administrator's designee.

10           SECTION 3. The change in law made by this Act applies only  
11 to a warrant issued on or after the effective date of this Act. A  
12 warrant issued before the effective date of this Act is governed  
13 by the law in effect on the date the warrant was issued, and the  
14 former law is continued in effect for that purpose.

15           SECTION 4. This Act takes effect September 1, 2021.

ADOPTED

MAY 25 2011

Lately Law  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: Royce West

1 Amend C.S.H.B. No. 492 (senate committee printing) as  
2 follows:

3 (1) In SECTION 1 of the bill, in added Article 15.251(c),  
4 Code of Criminal Procedure (page 1, line 44), between "if" and  
5 "the complaint", insert the following:

6 :

7 (1)

8 (2) In SECTION 1 of the bill, in added Article 15.251(c),  
9 Code of Criminal Procedure (page 1, line 48), between "designee"  
10 and the underlined period, insert the following:

11 ; and

12 (2) the warrant requires that each peace officer  
13 executing the warrant be in uniform or otherwise clearly  
14 identifiable as a peace officer

15 (3) In SECTION 2 of the bill, in added Article 18.025(c),  
16 Code of Criminal Procedure (page 2, line 12), between "if" and  
17 "the affidavit", insert the following:

18 :

19 (1)

20 (4) In SECTION 2 of the bill, in added Article 18.025(c),  
21 Code of Criminal Procedure (page 2, line 16), between "designee"  
22 and the underlined period, insert the following:

23 ; and

24 (2) the warrant requires that each peace officer  
25 executing the warrant be in uniform or otherwise clearly

1 identifiable as a peace officer

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**May 27, 2021**

**TO:** Honorable Dade Phelan, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB492** by Wu (Relating to the issuance of a warrant authorizing the use of a no-knock entry by a peace officer.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

It is assumed that the costs associated with the bill's provisions relating to the issuance of a warrant authorizing the use of a no-knock entry by a peace officer could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Admin, 405 Department of Public Safety, 407 Law Enforcement

**LBB Staff:** JMc, CMA, SLE, ANE, DKN, DPE

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**May 23, 2021**

**TO:** Honorable Joan Huffman, Chair, Senate Committee on Jurisprudence

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB492** by Wu (relating to the issuance of a warrant authorizing the use of a no knock entry by a peace officer), **Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

It is assumed that the costs associated with the bill's provisions relating to the issuance of a warrant authorizing the use of a no-knock entry by a peace officer could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Admin, 405 Department of Public Safety, 407 Law Enforcement

**LBB Staff:** JMc, SLE, CMA, ANE, DKN, DPE

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**May 21, 2021**

**TO:** Honorable Joan Huffman, Chair, Senate Committee on Jurisprudence

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB492** by Wu (Relating to the issuance of a warrant authorizing the use of a no-knock entry by a peace officer.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

It is assumed that the costs associated with the bill's provisions relating to the issuance of a warrant authorizing the use of a no-knock entry by a peace officer could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Admin, 405 Department of Public Safety, 407 Law Enforcement

**LBB Staff:** JMc, CMA, ANE, DKN, DPE

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**April 22, 2021**

**TO:** Honorable Nicole Collier, Chair, House Committee on Criminal Jurisprudence

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB492** by Wu (Relating to the issuance of a warrant authorizing the use of a no-knock entry by a peace officer.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

It is assumed that the costs associated with the bill's provisions relating to the issuance of a warrant authorizing the use of a no-knock entry by a peace officer could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Admin, 405 Department of Public Safety, 407 Law Enforcement

**LBB Staff:** JMc, DKN, CMA, ANE, DPE

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**March 27, 2021**

**TO:** Honorable Nicole Collier, Chair, House Committee on Criminal Jurisprudence

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB492** by Wu (Relating to a prohibition on the issuance of a warrant authorizing the use of a no-knock entry by a peace officer.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Code of Criminal Procedure to prohibit no-knock warrants.

According to the Office of Court Administration, no significant fiscal impact to the state court system is anticipated.

**Local Government Impact**

According to the Texas Municipal League, no fiscal implication to cities is anticipated.

**Source Agencies:** 212 Office of Court Admin, 405 Department of Public Safety, 407 Law Enforcement

**LBB Staff:** JMc, DKN, CMA, ANE